

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA**

Valerie Ann Collins,

Plaintiff,

v.

Andrew Saul,

Commissioner of Social Security,

Defendant.

C/A No. 0:17-cv-00835-TLW

ORDER

This matter comes before the Court on Plaintiff Valerie Ann Collins' motion for attorney's fees pursuant to the Social Security Act, 42 U.S.C. §406(b). ECF No. 28. Plaintiff's motion seeks reimbursement for counsel's representation in the above-captioned matter in the amount of \$11,437.75. The Commissioner filed a response indicating that he did not object to the award. ECF No. 29. Commissioner, however, requests that Plaintiff's counsel be ordered to remit to Plaintiff the amount of fees previously awarded under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412.

Having reviewed the file and being fully advised, the Court finds that the request for fees is not greater than twenty-five percent of the past due benefits withheld by the Social Security Administration for attorney's fees as required by 42 U.S.C. §406(b) and is reasonable. Accordingly, the Court hereby **ORDERS** that the motion for the award of fees pursuant to the Social Security Act, 42 U.S.C. §406(b), ECF No. 28, is **APPROVED**, and the Commissioner is ordered to award Plaintiff \$11,437.75 in attorney's fees. Also, as Plaintiff's attorney was previously awarded attorney's fees in this action under the EAJA, the previous EAJA award of \$3,094.25 shall be refunded to Plaintiff from Plaintiff's attorney pursuant to *Gisbrecht*, 535 U.S. at 796.

IT IS SO ORDERED.

s/ Terry L. Wooten

TERRY L. WOOTEN

Senior United States District Judge

October 10, 2019

Columbia, South Carolina